



# Air Resources Board



**Mathew Rodriguez**  
Secretary for  
Environmental Protection

**Mary D. Nichols, Chairman**  
1001 I Street • P.O. Box 2815  
Sacramento, California 95812 • [www.arb.ca.gov](http://www.arb.ca.gov)

**Edmund G. Brown Jr.**  
Governor

December 9, 2014

Mr. Jared Blumenfeld  
Regional Administrator  
U.S. Environmental Protection Agency  
Region 9  
75 Hawthorne Street  
San Francisco, California 94105

Dear Mr. Blumenfeld:

In response to the U.S. Environmental Protection Agency (U.S. EPA) initiative to speed action on revisions to the California State Implementation Plan (SIP), staff from U.S. EPA and the Air Resources Board (ARB) have been working together with the staffs of California's air districts to prioritize items for U.S. EPA action and identify submittals no longer appropriate for inclusion in the SIP.

The Northern Sonoma and Monterey Bay air districts have determined that a number of their local rules no longer need to be included in the SIP. These districts have requested that ARB withdraw the rules from the California SIP via the following letters (copies enclosed):

- November 20, 2014 letter from Barbara Lee, Northern Sonoma Air Pollution Control Officer to Richard W. Corey, ARB Executive Officer.
- November 26, 2014 letter from Richard A. Stedman, Monterey Bay Air Pollution Control Officer, to Karen Magliano, Acting Chief of the Air Quality Planning and Science Division.

We have reviewed the district requests and are forwarding a list of the rules we believe are appropriate for withdrawal from the SIP at this time. For convenience, we have compiled into a single table (enclosed Table 1) a list of the rules that ARB is withdrawing from the SIP at the request of the air districts. In the November 20, 2014 letter, Northern Sonoma air district also requested that ARB submit into the California SIP four newly-amended rules relating to the Prevention of Significant Deterioration (PSD) program. The amended PSD rules will be submitted to U.S. EPA in a separate action.

*The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our website: <http://www.arb.ca.gov>.*

California Environmental Protection Agency

Mr. Jared Blumenfeld  
December 9, 2014  
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If you have any questions, please have your staff contact Ms. Karen Magliano, Acting Chief, Air Quality Planning and Science Division at (916) 322-7137, or via email at karen.magliano@arb.ca.gov.

Sincerely,



Richard W. Corey  
Executive Officer

Enclosures

cc: Ms. Susan Klassen  
Acting Air Pollution Control Officer  
Northern Sonoma County Air Pollution  
Control District  
150 Matheson Street  
Healdsburg, California 95448

Mr. Andrew Steckel, Chief  
Rulemaking Office  
U.S. Environmental Protection Agency  
Region 9  
75 Hawthorne Street  
San Francisco, California 94105

Mr. Richard A. Stedman  
Air Pollution Control Officer  
Monterey Bay Unified Air Pollution  
Control District  
24580 Silver Cloud Court  
Monterey, California 93940

Ms. Karen Magliano  
Acting Chief  
Air Quality Planning and Science Division

**Table 1: District Rules to be Withdrawn from California SIP**

<b>Air District</b>	<b>Rule</b>	<b>Submittal Date</b>	<b>Description</b>
Monterey Bay	Appendix H	11/30/1994	Transportation Conformity Procedures
Northern Sonoma	160	5/13/1991	Ambient Air Quality Standards
Northern Sonoma	455	11/12/1985	Geothermal Emission Standards
Northern Sonoma	494	3/10/1998	Rule to Limit Potential to Emit
Northern Sonoma	500	5/13/1991	Enforcement



**MBUAPCD**

Monterey Bay Unified Air Pollution Control District  
Serving Monterey, San Benito and Santa Cruz Counties

24580 Silver Cloud Court

Monterey, CA 93940

PHONE: (831) 647-9411 • FAX: (831) 647-8501

November 26, 2014

Karen Magliano  
Air Quality Planning and Science Division  
California Air Resources Board  
1001 I Street  
Sacramento, California 95814

RE: Withdrawal of Appendix H Transportation Conformity Procedures from the SIP

Dear Ms. Magliano:

This is a follow-up to the previous letter sent regarding the Monterey Bay Unified Air Pollution Control District's (District) request to withdraw rules from the California State Implementation Plan (SIP). After discussion with staff from the California Air Resources Board (ARB) and Region 9 of the U.S. Environmental Protection Agency (EPA), the District has identified that Appendix H Transportation Conformity Procedures adopted by the District Board on November 24, 1994 should have been included in our previous letter. We request that ARB withdraw Appendix H Transportation Conformity Procedures from the SIP.

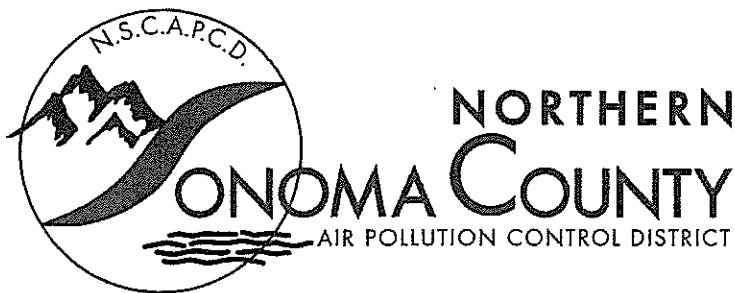
Rule	Title	Submittal Date
Appendix H	Transportation Conformity Procedures	11/24/1994 (District submittal to ARB)  11/30/1994 (ARB submittal to EPA)

If you have any questions about this request, please contact Amy Clymo at (831) 647-9418 ext. 227.

Sincerely,

Richard A. Stedman  
Air Pollution Control Officer





150 Matheson Street, Healdsburg, CA 95448 • PH: (707) 433-5911 • FX: (707) 433-4823

November 20, 2014

Mr Richard Corey  
Executive Officer  
California Air Resources Board  
P.O. Box 2815  
Sacramento, CA 95812

Subject: Amendments to Prevention of Significant Deterioration Program and Amendments to State Implementation Plan

Dear Mr. Corey:

Enclosed you will find changes to various rules that the Northern Sonoma County Air Pollution Control District has implemented in order to conform the District's program implementing federal Prevention of Significant Deterioration (PSD) provisions consistent with current federal requirements. In addition, you will also find the District's proposal to amend the State Implementation Plan (SIP) by withdrawing certain rules from the SIP, or from submittal for incorporation in the SIP. These actions were taken in response to EPA requests to reduce the backlog processing SIP amendments. The District Board of Directors adopted a resolution approving these actions on November 14, 2014. The District now presents these changes to ARB for submittal to EPA for approval.

On October 27, 2014, EPA published a federal register notice of its intent to issue partial disapproval for the District's PSD program in the Infrastructure SIP. As you know, the District implements a SIP-approved PSD program. Some of the deficiencies identified by EPA implement its New Source Review (NSR) Reform rule from 2002, and the District is barred from making those changes under SB 288 (Byron Sher, Statutes of 2002). The PSD amendments adopted by the District's Board exclude the barred provisions of NSR Reform; the District is submitting a demonstration that its program is at least as stringent as the federal program for those provisions. The District would like to offer its amended PSD program and the equivalency demonstration to EPA, with ARB's approval, during the public comment period on the partial program disapproval.

The rules modified to conform to EPA requirements are as follows:

- Regulation 1, Rule 130—Definitions
- Regulation 1, Rule 200—Permitting Requirements
- Regulation 1, Rule 220—New Source Review
- Regulation 1, Rule 230—Action on Applications

In addition to the amended PSD rules, the District is submitting a request to withdraw four rules from the SIP, or from submittal for approval into the SIP. The rules proposed for withdrawal from the SIP are as follows:

- Regulation 1, Rule 160—Ambient Air Quality Standards
- Regulation 1, Rule 455—Geothermal Emission Standards
- Regulation 1, Rule 494—Rule to Limit Potential to Emit
- Regulation 1, Rule 500—Enforcement

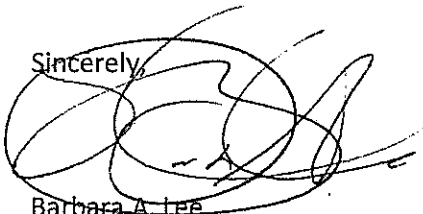
In addition to withdrawing Rule 160 from the SIP, the District also revised it to replace an outdated Air Quality Standards table with references to the current federal and state ambient standards.

The changes above do not change the level of stringency of the District's regulatory program, nor are they expected to have any impacts on air quality, attainment, or public health protection. They also are not expected to result in any costs to the District or ARB, or to the regulated community or the public. The District very strictly observed the requirements of SB 288 throughout this process. Nothing in this submittal makes any provision of the District's PSD program any less stringent than it was on December 31, 2002.

The District is very mindful of the challenges presented by the time constraints of the public comment period on EPA's proposed actions related to the Infrastructure SIP. At the same time, we believe it is in everyone's best interest to avert a final disapproval of the District's PSD permitting program. We therefore respectfully request that ARB review this submittal as expeditiously as possible and submit to EPA before the close of the public comment period related to proposed actions on California's Infrastructure SIP.

Should you have any questions about this submittal, please contact Jessica DePrimo at 707-433-5911.

Sincerely,

A handwritten signature in black ink, appearing to read 'Barbara A. Lee', written over a circular stamp or seal.

Barbara A. Lee  
Air Pollution Control Officer





County of Sonoma  
State of California

THE WITHIN INSTRUMENT IS A  
CORRECT COPY OF THE ORIGINAL  
ON FILE IN THIS OFFICE

ATTEST: NOV 17 2014

VERONICA A. FERGUSON, Clerk/Secretary  
BY: Ch Woodson  
DEPUTY CLERK/ASST SECRETARY

Date: November 14, 2014

Item Number: 26

Resolution Number: 14-0469

4/5 Vote Required

**Resolution Of The Board of Directors Of The Northern Sonoma County Air Pollution Control District, State Of California, Adopting Revisions To District Regulation 1, Rule 130 (definitions); Regulation 1, Rule 200 (permitting requirements); Regulation 1, Rule 220 (new source review); Regulation 1, Rule 230 (action on applicants) And Directing The Air Pollution Control Officer To Submit Said Revised Rules For Inclusion In The State Implementation Plan And Withdraw From The State Implementation Plan The Following Rules: Regulation 1, Rule 160 (Ambient Air Quality Standards); Regulation 1, Rule 455 (Geothermal Emission Standards); Regulation 1, Rule 494 (Rule to Limit Potential to Emit); Regulation 1, Rule 500 (Enforcement);**

**Whereas**, the Northern Sonoma County Air Pollution Control District (hereinafter referred to as "District") is under mandate by state and federal law to carry out tasks and duties to maintain air quality; and

**Whereas**, the District's rules and regulations that implement federal requirements must be approved by the Environmental Protection Agency (EPA) into the State Implementation Plan (SIP) pursuant to established standards; and

**Whereas**, EPA has updated its standards for rules to be approved in the SIP and the District must conform its rules to these new standards by amending its rules or, where allowed, withdrawing them from the SIP; and

**Whereas**, the District implements the requirements of 40 CFR Part 52.21 through a Prevention of Significant Deterioration (PSD) program that has been approved by EPA into the SIP; and

**Whereas**, EPA approved a series of amendments to 40 CFR Part 52.21 referred to as "New Source Review (NSR) Reform"; and

**Whereas**, the California Health and Safety Code (HSC) Section 42500, et Seq. prohibits the District from adopting changes to its rules that would implement some of EPA's amendments to 40 CFR Part 52.21; and

**Whereas**, due to this legislative prohibition, the District has not implemented NSR Reform in its PSD program; and

**Whereas**, EPA agreed that the District could submit a request for equivalency for the NSR Reform provisions to demonstrate that the provisions of the District's PSD program are more stringent and will result in equivalent or better protection of air quality, public health, and protected natural areas; and

**Whereas**, authority to adopt, amend, or repeal rules and regulations is provided by HSC Section 40001; and

**Whereas**, the record demonstrates that a need exists to amend regulations in order to meet EPA regulations; and

**Whereas**, the adoption of the proposed rule and rule revisions is ministerial pursuant to Section 15268 of the California Environmental Quality Act (CEQA) Guidelines because it is implementing federal requirements and incorporating definitions required by the federal government; and

**Whereas**, the adoption of the proposed rule and rule revisions is categorically exempt under CEQA Guidelines Section 15308 because it is a regulatory action taken to protect the environment; and

**Whereas**, a Notice of Exemption has been prepared pursuant to Section 15062 of the CEQA Guidelines for the adoption of the proposed rule and rule revisions; and

**Whereas**, Regulation 1, Rule 130 (definitions); Regulation 1, Rule 160 (ambient air quality standards); Regulation 1, Rule 200 (permitting requirements); Regulation 1, Rule 220 (new source review); Regulation 1, Rule 230 (action on applicants), and the revised versions proposed for adoption, are written or displayed so that their meaning can be easily understood by the persons directly affected by them; and

**Whereas**, revised versions of District Regulation 1: Rule 130 (definitions); Regulation 1, Rule 160 (ambient air quality standards); Regulation 1, Rule 200 (permitting requirements); Regulation 1, Rule 220 (new source review); Regulation 1, Rule 230 (action on applicants), as proposed for adoption, are in harmony with, and not in conflict with nor contradictory to, existing statutes, court decisions, or state and federal regulations; and

**Whereas**, EPA requested the District withdraw Regulation 1, Rule 160 (Ambient Air Quality Standards); Regulation 1, Rule 455 (Geothermal Emission Standards); Regulation 1, Rule 494 (Rule to Limit Potential to Emit); Regulation 1, Rule 500 (Enforcement), from the SIP, or from submittal into the SIP, as applicable, and the withdrawn rules will remain enforceable as District rules but will no longer be enforceable by EPA; and

**Whereas**, a workshop was held on October 2, 2014, and comments have been received, considered, and incorporated where necessary and appropriate; and

**Whereas**, a public hearing has been properly noticed in accordance with the provisions of Health and Safety Code Section 40725; and

**Whereas**, documentation describing the proposed rule amendments and SIP withdrawals and their impacts has for 30 days in advance of the public hearing been available for public view and comment; and

**Whereas**, the Board of Directors of the District has held a public hearing in accordance with all provisions of the law.

**Now, Therefore, Be It Resolved that the Board of Directors of the Northern Sonoma County Air Pollution Control District hereby finds, determines, declares, and orders as follows:**

1. Each of the foregoing recitals is true and correct.
2. Amend the following District rules to meet new requirements of EPA for approval as part of the State Implementation Plan (SIP):
  - a. Regulation 1, Rule 130 – Definitions
  - b. Regulation 1, Rule 200 – Permitting Requirements
  - c. Regulation 1, Rule 220 – New Source Review
  - d. Regulation 1, Rule 230 – Action on Applications;
3. Direct the Air Pollution Control Officer to submit the amended rules for inclusion in the SIP and request that EPA find the rules to be equivalent to, or more stringent than, the provisions of New Source Review Reform of 2002;
4. Direct the Air Pollution Control Officer to withdraw the following rules from the SIP:
  - a. Regulation 1, Rule 160 – Ambient Air Quality Standards
  - b. Regulation 1, Rule 455 – Geothermal Emission Standards
  - c. Regulation 1, Rule 494 – Rule to Limit Potential to Emit
  - d. Regulation 1, Rule 500 – Enforcement;
5. Direct the Air Pollution Control Officer to replace the table in Regulation 1, Rule 160 (Ambient Air Quality Standards) with regulatory references; and
6. Direct the Air Pollution Control Officer to file a notice of categorical exemption pursuant to the California Environmental Quality Act.

7. The Clerk of the Board is hereby authorized and directed to deliver certified copies of Regulation 1, Rule 130 (definitions); Rule 160 (ambient air quality standards); Rule 200 (permitting requirements); Rule 220 (new source review); Rule 230 (action on applicants) to the District within seven days of adoption.

**Directors:**

Gorin: Absent

Zane: Aye

McGuire: Aye

Carrillo: Aye

Rabbitt: Aye

Ayes: 4

Noes: 0

Absent: 1

Abstain: 0

**So Ordered.**